

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

DONALD BERFORD JOHNSON §  
v. § CIVIL ACTION NO. 6:14cv408  
OFFICER CALLIS, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Donald Johnson, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights in the Gregg County Jail. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

As Defendants in his lawsuit, Johnson named jail officials Richard Callis, Josh Turner, Leo Martinez, Patrick Brittain, Frank Duncan, Lt. Jennings, Captain Claxton, and Sheriff Maxey Cerliano. Jennings, Claxton, and Cerliano have previously been dismissed from the lawsuit.

The remaining Defendants filed a motion for summary judgment. After review of the pleadings, the magistrate judge issued a report recommending that this motion be granted. A copy of this report was sent to Johnson at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the report of the magistrate judge. Upon such review, the Court has determined the report of the magistrate judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

**ORDERED** that the report of the magistrate judge (docket no. 66) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the Defendants' motion for summary judgment (docket no. 44) is **GRANTED** and the above-styled civil action is **DISMISSED WITH PREJUDICE**. It is further

**ORDERED** that any and all motions which may be pending in this action are hereby **DENIED**.

**SIGNED** this 10th day of September, 2015.



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE